

**SABATINI FREEMAN, LLC**

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January 29, 2019

Hon. John J. Thomas  
Max Rosenn U.S. Courthouse  
197 South Main Street, Room 274  
Wilkes-Barre, PA 18701

VIA EM/ECF ONLY

Re: Hearings Scheduled for February 5, 2019  
*In re Kollar*, 5:15-bk-05084-JJT (Doc. 31)  
*In re Lopuhovsky*, 5:18-bk-02638-JJT (Doc. 62)

Dear Judge Thomas:

I write to ask that the hearings on my fee applications in the above-referenced cases be rescheduled. I am submitting this request by letter because the [Practices and Procedures](#) that are published on the Clerk's website state that "If the request (to continue a hearing) is with the consent of all parties, the request can be made to the Court by correspondence." However, you scheduled each of these hearings *sua sponte* and there is no adverse party. Thus, I believe that the consent requirement is satisfied.

I would appreciate it if the hearings could be rescheduled for a date that is not shared with any other matter. There are two reasons for this request. First, the presentation that I intend to make will take a number of hours. I hope to show the Court the procedures that my office follows and some of the tools that we use in connection with a Chapter 13 case. These procedures and tools are relatively detailed and I expect that it will take a significant amount of time for me to be able to adequately cover them. Second, those procedures and tools are trade secrets that I believe should qualify for protection under [Bankruptcy Rule 9018](#). Once you have had a chance to consider the testimony and review the documents, I intend to ask that the proceedings be sealed to the extent necessary to prevent public access to that information. It would be more complicated to grant such a request if third parties were present in the courtroom on unrelated cases, or, alternatively, it could inconvenience those third parties if they were required to exit the courtroom for a number of hours.

Apart from the request to continue the hearings, I would also appreciate an accommodation with respect to the Electronic Evidence Presentation System ("EEPS"). I

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intend to use the EEPS during my presentation. The rules governing its use require that all electronic exhibits be uploaded into the Cloud Evidence System ("CES") at least three days before the hearing. [L.B.R. 9070-1\(b\)\(3\)](#). The rule further explains that a failure to timely upload the exhibits may result in the Court barring their admission. However, I am concerned that uploading documents into the CES might indicate that they should not be protected as "trade secrets." I would not want that upload to be considered as an indication that I do not treat the documents in a confidential fashion. Such a finding could preclude their protection. Thus, I would appreciate it if you could excuse the requirement that all documents be uploaded three days in advance. However, I have discussed the CES system with the Clerk's IT Manager, Rick Thompson. He explained that documents uploaded into the system are not available to anyone other than the Court. Thus, alternatively, I would be comfortable uploading the documents if you ordered that they would be treated as protected until the Court considers the oral motion to seal that I will present at the hearing.

Finally, if the request to continue is granted I would appreciate it if the new date could be at least a few weeks out, and if I could coordinate that date with Ms. Radginski. I would appreciate the additional time to prepare. Also, one of my clients might attend the hearing, and I have some travel scheduled for an out-of-state conference. Thus, I wish to ensure that the new date does not present a conflict.

Thank you for your consideration.

Sincerely yours,



Carlo Sabatini